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12 KERRY CONDON

9 UNITED STATES DISTRICT COURT
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11 NORTHERN DISTRICT OF CALIFORNIA
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13 SAN FRANCISCO DIVISION

14 CARL ALEXANDER WESCOTT, an individual,
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16 Plaintiff,
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18 vs.
19 ERIC REISNER and KERRY CONDON,
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21 Defendants.
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23

Case No. 17-cv-06271-DMR
JUDGE EDWARD M. CHEN

**DEFENDANT KERRY CONDON'S
OBJECTION TO THE LATE-FILED
OPPOSITION BY PLAINTIFF TO HER
MOTION TO DISMISS**

**Date: May 17, 2018
Time: 1:30 p.m.
Courtroom: 5**

24 Kerry Condon objects to the late-filed Opposition by Plaintiff to her Motion To Dismiss as
25 precluded by Local Rule 7-3.

26 Condon filed her Motion To Dismiss on April 7, 2018. The Opposition was due on April 23,
27 2018 pursuant to Local Rule 7-3. No Opposition was filed or received on that date. On April 30, 2018,
28 Condon filed her Reply, noting that no Opposition was filed or received.

1 On May 3, 2018, Plaintiff filed his Opposition. Condon is prejudiced by the inability to reply to
2 this Opposition and it also violates due process. If the Court is inclined to consider the late-filed
3 Opposition, Condon respectfully requests that she be allowed to file a Reply to the Opposition
4 addressing the arguments made therein.

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6 Dated: May 9, 2018

VALINOTI, SPECTER & DITO, LLP

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8 By: /s/ Mark Anthony Rodriguez
9 Ronald Specter, Esq.
10 Mark Anthony Rodriguez, Esq.
11 Attorneys for Defendant
12 KERRY CONDON
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PROOF OF SERVICE

I, the undersigned, certify and declare that I am over the age of 18 years and not a party to the within action. My business address is: 5000 Birch Street, Suite 3000, Newport Beach, California 92660.

On the date set forth below, I served the following documents: **DEFENDANT KERRY CONDON'S OBJECTION TO THE LATE-FILED OPPOSITION BY PLAINTIFF TO HER MOTION TO DISMISS**

I served the foregoing documents on the following persons:

Carl Alexander Wescott
PO Box 190875
San Francisco, CA 94119

Eric Reisner
30 Lone Pine Trail
Old Lyme, CT 06371

The documents were served via: FIRST CLASS MAIL. I enclosed the documents in a sealed envelope or package addressed to the person(s) at the address(es) set forth above and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid. I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at Newport Beach, California. As a matter of courtesy, on the date indicated below I also emailed a copy of this document Carl Alexander Wescott at c@carlawescott.com

I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on May 9, 2018, at Newport Beach, California.

By: /s/ Amy Ellis
Amy Ellis